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EXAMINER	
FOX, BRYAN J	

ART UNIT	PAPER NUMBER
2686	

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/989,255	LIN, MING-HUNG	
	Examiner	Art Unit	
	Bryan J Fox	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 August 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-9 and 11-18* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-6,8,9 and 11-18* is/are rejected.

7)☒ Claim(s) *7* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 3-6 is withdrawn in view of the newly discovered reference(s) to Ereckson (US006622018B1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 11 and 17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The negative limitation of "the rendering capabilities are without specification to available physical transferring media," was not found in the specification.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-4 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tryding (US005880732A) in view of Makipaa et al (US006556217B1) and Erekson (US006622018B1).

Regarding claim 1, Tryding discloses an apparatus where a base transceiver station 25 will transmit a variety of data and messages to the mobile telephone 10 through a downlink 30 (see column 2, lines 31-34 and figure 1), which reads on the claimed "mobile device comprising primary communication means for establishing a primary communication session...with a content server". The apparatus also generates a communications link 5 between a mobile telephone 10 and a display monitor 15 to enable the display of mobile telephone data on the display screen 20 of the display monitor 15 (see column 2, lines 26-31 and figure 1), which reads on the claimed "auxiliary communication means for establishing an auxiliary communication session with an auxiliary rendering device". Tryding fails to teach the use of a transcoding proxy.

Makipaa et al discloses a system where a user terminal 30 communicates to the content server 20 which is responsible for delivering data information to the user

terminal 30 from a content provider 10. This content server includes a pagination engine 90 (see figure 2), which reads on the claimed "transcoding proxy" that converts the digital data to the proper format for each user terminal 30 (see column 6, lines 45-51).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Tryding with Makipaa to include the above reformatting of data for the specific device in order to operate with almost any web site so that the operator for the web site would not need to generate and maintain different web pages for different devices and screen types a user may have as suggested by Makipaa et al (see column 2, line 59 – column 3, line 2). The combination of Tryding and Makipaa et al discloses message exchange between the mobile telephone and the display monitor that result in determining a communications standard in which to communicate (see Tryding column 3, line 53 – column 4, line 18), however, the combination of Tryding and Makipaa et al fails to expressly disclose an assistance message from the auxiliary rendering device comprising information on the rendering capabilities of the auxiliary rendering device.

In a similar field of endeavor, Erekson discloses a system where the characteristics and capabilities of devices are identified in response messages (see column 10, lines 48-49), which reads on the claimed "assistance message comprising information on the rendering capabilities of the auxiliary rendering device."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding and Makipaa et al with Erekson to

include the above capabilities message transmitted to the mobile in order to allow a user to choose the most useful device or allow device selection based on compatibility.

Regarding claim 2, the combination of Tryding, Makipaa et al and Erekson discloses a phone display 35 (see Tryding figure 1), which reads on the claimed "rendering means for rendering content received in the primary communication session". A text display menu 75 enables section of the various types of text or information which a user desires to have displayed upon the display screen 20 of display monitor 15 so that the user may selectively program the type of data which is going to be displayed upon the display monitor rather than having all types of display data presented (see Tryding column 3, lines 17-33), which reads on the claimed "rendering control means for examining the content and redirecting the content to one of the rendering means and the auxiliary communication means in dependence on the examination". The apparatus also generates a communications link 5 between a mobile telephone 10 and a display monitor 15 to enable the display of mobile telephone data on the display screen 20 of the display monitor 15 (see Tryding column 2, lines 26-31 and figure 1), which reads on the claimed "auxiliary communication means are arranged for transmitting the content via the auxiliary communication session for rendering by the auxiliary rendering device".

Regarding claim 3, Tryding discloses that a DISPLAY_TEXT command is transmitted to the display monitor according to a first communications standard for a first type of television/computer monitor and then waits for a response. If a response is not received, a next standard is accessed and the DISPLAY_TEXT command is

retransmitted using this standard. This continues until the display monitor recognizes the command and responds, indicating that the connection is set up (See column 3, line 53 – column 4, line 17) and, in one embodiment, a confirmation message would be sent (see column 3, lines 44-52), which reads on the claimed "auxiliary communication means are arranged for establishing the auxiliary communication session in response to the assistance message." Tryding fails to disclose transmitting information on the rendering capabilities to the transcoding proxy.

In a similar field of endeavor, Makipaa et al discloses a system where a user terminal 30 communicates to the content server 20 which is responsible for delivering data information to the user terminal 30 from a content provider 10. This content server includes a pagination engine 90 (see figure 2), which reads on the claimed "transcoding proxy" that converts the digital data to the proper format for each user terminal 30 (see column 6, lines 45-51). Further, Makipaa discloses that the system receives a terminal type message from the terminal (see column 7, lines 51-62 and figures 3 and 4).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Tryding with Makipaa to include the above reformatting of data for the specific device type and the device type message transmitted form the terminal to the system in order to operate with almost any web site so that the operator for the web site would not need to generate and maintain different web pages for different devices and screen types a user may have as suggested by Makipaa et al (see column 2, line 59 – column 3, line 2). The combination of Tryding and Makipaa et al discloses message exchange between the mobile telephone and the display monitor that result in

determining a communications standard in which to communicate, however, the combination of Tryding and Makipaa et al fails to expressly disclose an assistance message from the auxiliary rendering device comprising information on the rendering capabilities of the auxiliary rendering device.

In a similar field of endeavor, Erekson discloses a system where the characteristics and capabilities of devices are identified in response messages (see column 10, lines 48-49), which reads on the claimed "assistance message comprising information on the rendering capabilities of the auxiliary rendering device."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding and Makipaa et al with Erekson to include the above capabilities message transmitted to the mobile in order to allow a user to choose the most useful device or allow device selection based on compatibility.

Regarding claim 4, the above combination of Tryding, Makipaa et al and Erekson discloses that a DISPLAY_TEXT command is transmitted to the display monitor according to a first communications standard for a first type of television/computer monitor and then waits for a response. If a response is not received, a next standard is accessed and the DISPLAY_TEXT command is retransmitted using this standard. This continues until the display monitor recognizes the command and responds, indicating that the connection is set up (see Tryding column 3, line 53 – column 4, line 17), which reads on the claimed "the auxiliary communication means are arranged for transmitting an assistance request to at least one auxiliary rendering device."

Regarding claim 11, the combination of Tryding and Makipaa et al fails to expressly disclose the rendering capabilities are without specification to available physical transferring media.

In a similar field of endeavor, Erekson discloses a system where the characteristics and capabilities of devices are identified in response messages (see column 10, lines 48-49), which reads on the claimed "capabilities are without specification to available physical transferring media."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding and Makipaa et al with Erekson to include the above capabilities message transmitted to the mobile in order to allow a user to choose the most useful device or allow device selection based on compatibility.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tryding in view of Makipaa et al and Erekson as applied to claim 4 above, and further in view of Ranta et al (US006775558B1)

Regarding claim 5, the above combination of Tryding, Makipaa et al and Erekson discloses a downlink 30 between a base transceiver station 25 and a mobile telephone 10 for transmitting a variety of data and messages (see Tryding column 2, lines 30-33 and figure 1), which reads on the claimed "the primary communication means are arranged for receiving a communication request for establishing the primary communication session." Also, a communications link 5 is established between the mobile telephone 10 and the display monitor 15 (see Tryding column 2, lines 39-56),

which reads on the claimed "the auxiliary communication means are arranged for transmitting the assistance request." The combination of Tryding, Makipaa et al and Erekson fails to expressly disclose that the assistance message is transmitted in response to a communication request.

In a similar field of endeavor, Ranta et al discloses a system where a connection between a terminal and an accessory device may be automatically activated when either of the devices realizes that it has data to be transmitted to the other device (see column 9, lines 18-20).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding, Makipaa et al and Erekson with Ranta et al to include the above automatic activation of the accessory connection in order to make a more user friendly system requiring less intervention from the user.

Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tryding, Makipaa et al and Erekson as applied to claim 4 above, and further in view of Otsuka et al (US006330448B1).

Regarding claim 6, the combination of Tryding, Makipaa et al and Erekson fails to expressly disclose transmitting an assistance request when a level for the quality of a previously established auxiliary communication session drops below a predetermined value.

In a similar field of endeavor, Otsuka discloses a system where a device monitors a received signal to determine if it is lower than a threshold. If it is and a stronger signal is available, a handover request is transmitted (see figure 3).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding, Makipaa et al and Erekson with Otsuka et al to include the above transmission when a signal strength falls below a threshold in order to provide a user with the best quality of service available.

Regarding claim 15, the combination of Tryding, Makipaa et al and Erekson fails to disclose comparing a scanned RF level to a predefined threshold to determine whether the auxiliary communication session is to be migrated to another auxiliary rendering device.

In a similar field of endeavor, Otsuka discloses a system that, measures the received signal and compares it to a threshold in order to determine if a handover is to be made (see figure 3), which reads on the claimed "scanner for scanning an RF level...and comparing the scanned RF level to a predefined threshold to determine whether the auxiliary communication session is to be migrated."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding, Makipaa et al and Erekson with Otsuka et al to include the above migration when a signal strength falls below a threshold in order to provide a user with the best quality of service available.

Claims 8, 9, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tryding in view of Erekson.

Regarding claim 8, Tryding discloses an apparatus that generates a communications link 5 between a mobile telephone 10 and a display monitor 15 to enable the display of mobile telephone data on the display screen 20 of the display monitor 15 (see column 2, lines 26-31 and figure 1), which reads on the claimed "auxiliary rendering device comprising: mobile communication means for establishing an auxiliary communication session with a mobile device; and rendering means for rendering content received in the auxiliary communication session." Tryding discloses message exchange between the mobile telephone and the display monitor that result in determining a communications standard in which to communicate (see column 3, line 53 – column 4, line 18), however, Tryding fails to expressly disclose an assistance message from the auxiliary rendering device comprising information on the rendering capabilities of the auxiliary rendering device.

In a similar field of endeavor, Erekson discloses a system where the characteristics and capabilities of devices are identified in response messages (see column 10, lines 48-49), which reads on the claimed "assistance message comprising information on the rendering capabilities of the auxiliary rendering device."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Tryding with Erekson to include the above capabilities message transmitted to the mobile in order to allow a user to choose the most useful device or allow device selection based on compatibility.

Regarding claim 9, the above combination of Tryding and Erekson discloses that a DISPLAY_TEXT command is transmitted to the display monitor according to a first communications standard for a first type of television/computer monitor and then waits for a response. If a response is not received, a next standard is accessed and the DISPLAY_TEXT command is retransmitted using this standard. This continues until the display monitor recognizes the command and responds, indicating that the connection is set up (see Tryding column 3, line 53 – column 4, line 17) and, in one embodiment, a confirmation message would be sent (see Tryding column 3, lines 44-52), which reads on the claimed "the mobile device communication means are arranged for transmitting the assistance message to the mobile device in response to receiving an assistance request from the mobile device."

Regarding claim 17, Tryding fails to expressly disclose the rendering capabilities are without specification to available physical transferring media.

In a similar field of endeavor, Erekson discloses a system where the characteristics and capabilities of devices are identified in response messages (see column 10, lines 48-49), which reads on the claimed "capabilities are without specification to available physical transferring media."

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Tryding with Erekson to include the above capabilities message transmitted to the mobile in order to allow a user to choose the most useful device or allow device selection based on compatibility.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tryding, Makipaa et al and Erekson as applied to claim 1 above, and further in view of Schramm et al (US006542742B2).

Regarding claim 12, the combination of Tryding, Makipaa et al and Erekson fails to disclose selecting a most suitable device based on the capabilities of the devices.

In a similar field of endeavor, Schramm et al discloses a system that monitors the capabilities of candidates for communication and selects only stations that support the capabilities of the MS (see column 5, line 56 – column 6, line 23 and figure 3a).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding, Makipaa et al and Erekson with Schramm et al to include the above selection of stations based on capabilities in order to ensure that any station connected to is compatible.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tryding, Makipaa et al and Erekson as applied to claim 1 above, and further in view of Bruckert et al (US005390339A).

Regarding claim 13, the combination of Tryding, Makipaa et al and Erekson fails to expressly disclose selection based on proximity to the device.

In a similar field of endeavor, Bruckert et al discloses a system that estimates one devices location and selects the station closest to the location estimates to serve it (see column 2, lines 39-52).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding, Makipaa et al and Erekson to include the above selection based on nearest station in order to over come the problems associated with Rayleigh fading, etc. as suggested by Bruckert et al (see column 1, lines 19-35).

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tryding, Makipaa et al and Erekson as applied to claim 1 above, and further in view of Broderick (US005995829A).

Regarding claim 14, the combination of Tryding, Makipaa et al and Erekson fails to expressly disclose a timer for timing a time period for a response to avoid an indication that none of the plurality of devices are available.

In a similar field of endeavor, Broderick discloses a system with a timer that determines a length of time that is allowed for attempting to acquire service before determining that no service is available (see column 5, lines 26-29).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding, Makipaa et al and Erekson with Broderick to include the above timer for determining if service is available in order to avoid the continuous scanning and battery power required for scanning when no service is available.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Tryding, Makipaa et al and Erekson as applied to claim 1 above, and further in view of Baranowski et al (US006473630B1).

Regarding claim 16, the combination of Tryding, Makipaa et al and Erekson discloses that the content includes video content (see Tryding column 3, lines 24-33), however, the combination fails to disclose that the content includes audio content.

In a similar field of endeavor, Baranowski et al discloses a system for rendering audio information externally (see figure 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding, Makipaa et al and Erekson with Baranowski et al to include the above external audio in order to allow a user to communicate without the need to hold the phone to his head.

Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tryding in view of Erekson as applied to claim 8 above, and further in view of Baranowski et al.

Regarding claim 16, the combination of Tryding and Erekson discloses that the content includes video content (see Tryding column 3, lines 24-33), however, the combination fails to disclose that the content includes audio content.

In a similar field of endeavor, Baranowski et al discloses a system for rendering audio information externally (see figure 1).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Tryding and Erekson with Baranowski et al to

include the above external audio in order to allow a user to communicate without the need to hold the phone to his head.

Allowable Subject Matter

Claim 7 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: the prior art fails to teach, suggest or render obvious a mobile device comprising: primary communication means for establishing a primary communication session via a transcoding proxy with a content server; and auxiliary communication means for establishing an auxiliary communication session with an auxiliary rendering device, the auxiliary communication session including content of the primary communication session that is adapted to the capabilities of the auxiliary rendering device, wherein the auxiliary communication means are arranged for receiving an assistance message from the auxiliary rendering device, the assistance message comprising information on the capabilities of the auxiliary rendering device; wherein the auxiliary communication means are arranged for establishing the auxiliary communication session in response to the assistance message, and the primary communication means are arranged for transmitting said information on the rendering capabilities to the transcoding proxy; wherein the auxiliary communication means are arranged for ending the auxiliary communication session and establishing a further auxiliary communication session in response to receiving a further assistance message

from a further auxiliary rendering device, *said further assistance message comprising information on the capabilities of the further auxiliary rendering device, and in that the primary communication means are arranged for transmitting said information on the capabilities to the transcoding proxy in response to receiving the further assistance message.*

Response to Arguments

Applicant's arguments with respect to claims 1, 2, 8 and 9 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Le (US006205128B1) discloses enhanced handoff signaling for high speed data and multimedia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J Fox whose telephone number is (703) 305-8994. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJF

CHARLES APPIAH
PRIMARY EXAMINER